PUBLIC MEETIDORS

Every consideration should have impelled faithful public officer to make a speedy report to Congress on these questions. The session was drawing to a close, legislative action might be needed, great public interest was excited, and information was required in regard to a transaction so mysterious and extraordinary in all its social, political, and financial features. The facts asked for were few; the materials for information were in the Department; and, to furnish it, an ordinary merchant's clerk would not require many hours. The footing of a few quarterly statements, the comparison of a few accounts, and the copying of some letters, comprehended all that was asked for. and the sum total of all the information furnished with the report. Most of the work must have been done even before the date of the resolution. And yet the Postmaster-General held back his report twenty five days! Not until the day of adjournment had been fixed, when there remained but seven days of the session, and every minute of that time, as the Postmaster-General well knew, was demanded by Congress for the work in hand, did he venture to lay before them any answer to the resolution of the House. On the 11th day of June, he sept in a report on the Fowler defalcation, which is not only the most surprising example of official negligence and incompetence on his part, but presents a stronger and plainer demand for impenchment than was ever exhibited against any public efficer. Conscious culpability was manifested by holding back his report, but some idea of its measure and extent may be seen by a glance at his answers to the several inquiries of the House. I. THE AMOUNT OF DEFALCATION .-- Mr. Holt says:

"The defalcation up to March 31, 1966, amounted to \$155. 154 31. The late cashier of Fowler, however, alleges the actual deficit to be about \$170,000. This may be true, inassunch as the accounts for the current quarter have not been audited, and the amount abstracted from its revenues has not, in consequence, been yet ascertained. Jurging from the deposits made, it does not excert the sum stated by the cashier."

One hundred and seventy thousand dollars of public money are gone. Fowler's cashier confesses that much. But the Postmaster-General, unwilling to acknowledge the full truth at first, states the defalcation at \$155,554 31, or fifteen thousand dollars less than Fowler's cashier confesses. Is this not an effort to hide the enormous magnitude of the defalcation during Mr. Holt's administration? He painfully confesses, however, that the amount stated by Fowler's cashier may be true, and feebly conjectures, rather than asserts, that it will not exceed that sum. Many things in the report suggest apprehension that it will go beyond that sum. But is it not marvelous that the Postmaster-General should state the defalcation at \$155,554 31, and in the same breath admit that the cashier's confession of \$170,000 may be true ?

II. THE TIME WHEN THIS DEFALCATION BECAME KNOWN TO THE DEPARTMENT .- Mr. Holt says:

"The detaication of Isauc V. Fowler, late Postmaster at New York, was communicated to me, for the first time, on the 10th May 11st, and I have no reason to believe that it was known this Department at an earlier day."

III. How the Defalcation Happened to

following curious statement: following currous statement:

On reaching Washington from the South, in the last week April, spen inputry, I learned through the Auditor's Office the the secounts of the Postmaster at New-York had been audit and balanced to the Sist of December, 1839, but that those the quarter ending filst March, 1899, had not been adjusted the want of the account current, which had not been received, requested the Auditor to write at once, and say that longer delay returning this account could not be submitted to. This was don but in consequence of the absence of Mr. Fowler, or from somether unexplained cause, the account was not placed in the han of the Auditor until the 5th of May. On the morning of the 19 of May, the First Assistant Postmaster-General handed me two confidential letters addressed to him by Mr. Fowler, in which is deliacation was coplessed in general terms and an earnest appear.

of May, the First Assistant Postmaster-General states of Confidential letters addressed to him by Mr. Fowler, in which defiacation was confessed in general terms and an earnest app was made to the Department to forbear proceedings against intit he could have an opportunity to make good the det through the advances of friends and the sale of property who he represented humself as holding. I was then informed that account current had been received by the Auditor on the yourself, and that a clerk was actively engaged in scrution it, and would be able to announce the result in a few hours. I chief clerk of the Auditor at the same time mentioned to that the account as rendered showed a defalcation of upware \$129,000. Deeming this, with the confession contained in letters, quite sufficient to justify immediate action, the case without delay presented to the President, who, the same direct should be piaced temporarily in charge of a special ag of the Department."

It thus appears that the public owe the discovery of the robbery that had been going on under the eyes of Mr. Holt during the whole time he has been in office, at the rate of \$10,000 a month, not to any vigilance of the Department, but to Fowler's confession! It might have gone on to the close of Holt's administration, and he been never the wiser, if Fowler's nerves could have stood the rack and tear of this continuing and accumulating erime. But was there ever a plainer revelation of utter incompetency by a public officer than this statement of Mr. Holt's discloses in respect to himself! Look at it. In the last week of April, he, the Postmaster-General, learns that Fowler's account current for the quarter ending March 31 had not been received, and he directs some one to write that "longer delay would not be submitted to." He then goes to sleep again, and never wakes up until the morning of the tenth of May, when two confidential letters from Fowler, confessing his defalcation, are thrust into his hands by the First Assistant! More than ten days had gone by after he know that an account that should have been rendered thirty days before had not been rendered. The quarterly statement of the principal Post-Office in the United States was suffered to be forty days in default. From some time in the last week of April until the 10th of May, day after day was suffered to roll by after he knew that the failure for thirty days to render the account cur rent could signify nothing but defalcation, and yet not a single effort was made to save the public money! But, in the midst of this shameful perfect of official duty, it is almost ludierous to see with what stupid simplicity this Postmaster-General says that after the chief clerk of the Auditor "mentioned" that the account showed a defalca tion of \$129,000, he deemed that, "with the con-"fession contained in the letters, quite sufficient to "justify immediate action!" One would suppose either item of evidence sufficient for immediate action by a faithful and competent officer. But it seems that it required not only the "mention" of

the clerk and the statement of the account, but also two confessions by Fowler, to excite Mr. Holt to action. And this is the man that Mr. Buchanan has intrusted with the watch over millions of public money. What merebant in New-York would trust his business to such blind and slothful supervision? IV. THE TIME WHEN THIS EMBEZZLEMENT COMMERCED AND HOW IT PROGRESSED .- Mr.

Holt says:

Holl snys:

"It will be observed from the Auditor's report that the balance due from Mr. Fowler on December 31, 1985, was \$8,985 70.
The smbezzlement may be regarded as having had its origin at this data."

The Postmaster-General here tries to fix the commencement of the embezzlement during Mr. Pierce's administration, so that his predecessor, Mr. Campbell, may share with him in the odium of the mismanagement of the Department. Whether Mr. Holt's statement as to the commencement be true or not is a question between him and Mr. Campbell, who, fortunately, is living, and can defend himself, as Gov. Brown cannot. The statement of the Postmaster-General can only be fairly taken as true against himself. How well Fowler knew and profited by Holt's incapacity is shown by the following confession:

"When I took charge of the Department, in March, 1858, the deficit oid not probably fall stort of \$20,000. On the Sixt of that morth, it smounted to \$23,038. It continued to argument until, at the close of the first q nuttr of the present year, it had seach of a magnitude which would probably have rendered its concealment impracticable for more than a few months longer."

Ninety thousand dollars are thus admitted to have been lost since Mr. Holt took charge of the Department. How much more, remains for Congress to find out. This report shows Holt's unwillingness to tell the whole truth or admit even what Fowler's cashier confesses. How much more might have been lost if Fowler's nerves had not failed, no one can tell. He admits that from the day he entered the Department the defalcat on " continued to augment" until its magnitude could not be concealed. But it is plain that Mr. Holt cannot be relied on for a full disclosure, when the eashier of the defaulting officer is more frank and truthful than the head of the Department. Was there ever a more curious spectacle than the cashier admitting \$170,000 and the Postmaster General stating \$15,000 less ?

V. How THE EMBEZZLEMENT WAS CON-CEALED FROM THE PUBLIC .- This my-tery is clearly revealed. Deceptive and delusive settlements between the Department and Fowler, false credits, false applications of one quarter's receipts to pay preceding deficiencies-these tell

receipts to pay preceding deficiencies—these tell the whole story. Mr. Holt says:

"This defeit was increased by \$17,437.56 the following quarter, and, with the exception of three quarters—the last of 1856 and the first two of 1857—the increase was continued until the final exposure. On the 30th June, 1857, it had rached the sum of \$23,030.38. This was adjusted by a special deposit of \$10,000 on the 8th of August, 1857, which, with the credits for clerk-line, &c., which were allowed, balanced the account and left \$1,590.19 to Mr. Fowler's credit. The settlement, haterer, cas deceptive, insumanch as, in consequence of this special deposit having been made, the weekly one of the current revenues, due August \$1,857, was emitted, so that, in fact, a defelt equal to nearly a week's receipts still remained. The defalcation now nade rapid progress, \$40,674.55 having been added to the deficiency the following quarter. On the 36th September, 1855, the were again balanced, but this adjustment, like that in August, 1857, was altogether delusive."

We have here the charge against his predecessors, Postmasters-General Campbell and Brown, that settlements with the New-York Post-Office during their administration were "deceptive," "altogether delusive;" that, instead of the account being balanced, there was a continually accumulating deficit, amounting, when he went into office, to an aggregate of \$80,000; and he shows how concealment was effected:

"It was accomplished by applying the depolits of the revenues already received, of the quarter anding December 31, 1888, to extinguish the precisiting liability. There was not a deliar paid, but simply a transfer of the indebtedness from one quarter to another."

This statement of the Postmaster-General is no doubt true. It is certainly true during his administra ion. And now in what predicament has this Postmaster-General placed hunself before the world? During his term of office, there were four quarterly settlements with the New-York Post-Office-viz: for the quarters ending the last of March, June, September, and December, 1859. Every one of these settlements, on his own showing, must have been "deceptive," "altogether delusive," sheer and atrocious frauds on the public treasury; an enormous defalcation concealed, deposits misapplied, not a dollar paidnothing but a false transfer of indebtedness from er to another-this done not one but four several times in one year, while the Department has been under his supervision.

VI. WHO IS RESPONSIBLE FOR THE PERPETRA-TION AND LONG CONCEALMENT OF THIS DEFAL-CATION !- Fowler's guilt is confessed by his letters and by his flight. But, although a fugitive felon, he is not the only guilty one. A heavy load of guilt lies at the door of the Department, and the question is, who must shoulder it! Mr. Holt, in his report, tries hard to make the Sixth Auditor the scapegoat of the enormous criminality that has been perpetrated and concealed ever since he took charge of the Department. The necessity of accusing some one to save himself pressed him sorely, and, in his efforts to escape or have companions in shame, he has spared neither the living nor the dead. His predecessors in the Department, his colleagues in the Cabinet, and his subordinates, are dealt with by an unsparing hand. The Treasury Department, Mr. Campbell (Pierce's Postmaster-General), and Governor Brown, who is dead, and the lamented Third Assistant, Marron, are all dragged into Mr. Holt's report to share the responsibility of this transaction. But the chief effort is to shove the load upon the Sixth Auditor and the Treasury Department, after making the following ridiculous excuse for his own negligence:

have existed so long, and have been constantly increasing in mag-nitude, without the knowledge of the Post-Office repartment. It may be answered in the first place, the there was nothing in the antecedents of the Postmaster to excite any special vigilance in the supervision of his official life. It shows an unanified repu-tation, and his appointment had been made by the President on recommendations so numerous and so carried as to leave no footh but that he was envilled to and enjoyed the complete con-dence of the people of New York. The boldest satisfact of hu-nan virtue could have scarcely believed him capable of passing a single step from the position of influence and honor which he roupled to the degradation of a fugitive felon."

regliger ce? According to Mr. Holt's notions, if a Postmaster's antecedents are not those of a thief and a robber, there is nothing to excite special vigilance in his official life. And if his appointment has been well recommended, it is no matter what he does with the public money, or when or how he settles his quarterly accounts. The Postmaster-General may wink at defalcations, and shut his eyes to enormous embezzlements, until they become too large to be any longer concealed from the public, and are confessed; and then he may be able to shove the responsibility upon some dead predecessor or humble subordinate. Conscious, however, that the first plea in excuse may not stand, Mr. Holt puts in another defense, consisting of an accusation against the Treasury Department and the Sixth Auditor. He says:

"The true explanation, however, of the ignerance of the De-partment of the existence and progress of this fraud must be sought for in the failure of the Sixth Auditor to report the con-stantly recurring de inquesicles of Mr. Fowler to the Postmaster-General. The relations of that officer to this Department are somewhat anomalous. To his hands are intrusten the adminis-tration of its highest interests; and yet he belongs to another Department of the Government and is absolutely under the con-trol of the Secretary of the Treasury. The law creating this office and defining its duties is so distinct in its requirements so far as the question to be discussed is concerned, that existing on a few of he provisions will relieve me from the necessity of any

It may be true that the Secretary of the Treasury | sparing hand upon Mr. Tate's negligence—he has has had some share in the official neglect by which se much public money has been lost. But Mr. Holt is mistaken in or willfully misstates the law. The Sixth Auditor is called an "Auditor of the Treasury." But the law says he is Auditor "for "the Post-Office Department." He is required to certify and report to the Postmaster-General. His duties may be assigned by the Secretary of the Treasury or Postmaster-General, and he is directed to make such reports as either require. In fact, he is an officer of the Post-Office Department. But whether Mr. Cobb be guilty or innocent in this matter, he may defend himself; that is a question between him and Mr. Holf. It may be true that the Sixth Auditor has failed in his duty. Mr. Holt cites in part the act of Congress defining his duties, and insists that they were violated. But he takes good care to say nothing of the duties the law imposes upon the Postmaster-General. The point he makes against Mr. Tate is this: that the law required the Sixth Auditor to report th defalcations. The Auditor in his letter defends himself on the ground, first, that a "knowledge of "the delinquencies of post-offices of the class to which the New-York Post-Office belongs is not chargeable upon his office; second, that the law bas been modified by regulation of the Depart-· ment so as to absolve him from the obligation of reporting such delinquencies to the Postmaster-"General, and that it is not the ordinary course "to do so." The Postmaster-General expresses his surprise at this statement, and argues that the law should govern the Sixth Auditor, and that neither the regulations nor the practice of the office furnish any defense for neglect. Be this as it may, the Postmarter-General stands self-condemned by every argument he has urged against the Sixth Auditor-condemned with tenfold force because of the superior responsibility belonging to his office. For, let it be true that the act of Congress required the Sixth Auditor to make report of delinquencies that come to his knowledge, Mr. Holt imputes to personal knowledge of Fowler's defalcation to Mr. Tate, but only that with proper dili-

gence he might have known it: "In making this declaration, no personal imputation upon the Anditor is intended. He has been apoken of in his official capacity only, and the knowledge on his part which has neen asserted as the basis of his responsibility a that which is refereed to have been funnished by the records of na office and with which, in consequence, according to the theory of the law, he seems to be necessarily chargeable."

Here the sound principle of legal liability is acknowledged. The records of the office afforded the info mation, and bence the law charges him with that knowledge. Now observe Mr. Holt's own position:

The act of Congress not only prescribes the du ties of the Sixth Auditor, but also those of the Postmaster-General; and among these the follow-

ing are specified:

1. He (the Postmaster-General) shall obtain from the Postmasters their accounts and vonchers, ke., once in three montes, or offener, with the belances thereon arising in force of the General oftener, with the balances thereon arteing in journey.
Fost-Office.

2. He shall superintend the business of the Department in all

Ite small experiment the business of the Department in all the duties that are or may be assigned to it.
 It shall be his duty to decide on the manner and form of keeping and stating accounts, to enforce the prompt rendition of returns, A.c.
 It shall be his duty to prescribe the manner in which Postmasters shall pay over their banances.

For the performa ce of these duties, he receives \$8,000 a year out of the public Treasury; has a seat

in the Cabinet; is made a constitutional adviser of the President; in short, receives the highest bonors and emolument allowed by the Government to any one but the President. Now Mr. Tate states these astounding facts,

that it is not in the ordinary course of the diministration of his office to close the accounts of postmasters quarterly; that at least six mouths necessarily clapse before the debits and credits for deposits are fully posted on the books of the 'Auditor's office; that Fowler's account upon the · ledger was an open and running account, wherein debits and credits were perpetually occurring. and no other balances were adjusted than for the mere purpose of making rests and furnishing copies thereof from time to time, as they were called for!" The truth of this statement is not denied by Mr. Holt. He says that he read the statement with surprise, and then goes on to pronounce his own condemnation, while censuring Mr. Tate, in The Constitution this morning, with the mercen-

these words:

"That books thus kept are a compliance with cither the letter or spirit of the law cited is a conclusion not easily arrived at. In every branch of the public service, it is believed that the policy of the Government looks to a quarterly set lement of the accounts of all officers in its service; upon the enforcement of this policy depends the safety of the public revenues. If so relaxed an interpretation of the awa as is now insisted on could be included, then defaulters engaged in the receipt and disbursement of the public mem's may be continued in office for months and years without their defaileation being verified, and without an opportunity being afforded the appointing power to remove them."

The law, as has been seen, makes the Postmaster-General responsible for the form and manner of keeping accounts, of enforcing returns, of paying over balances. It is 'made the express duty of the Postmaster-General by name, to require quarterly settlements and the payment of quarterly balances. How then can Mr. Holt escape impeachment, when he has formally and deliberately confessed to the House of Representatives:

First: That the books and accounts of his department are not kept in accordance either with the letter or spirit of the law.

Second: That the whole time he has been in office, more than a year, the settlements with the New-York Postmaster were "deceptive," " alto gether delusive," that " not a dollar" of the enormous balance due from Fowler was paid, but only an unlawful transfer of indebtedness from one quarter to another during a period of more than

Third: That by these means, during his term, there has been a defalcation of at leas. \$90,000, which is a total loss, unless a part of it can be made on the bond of the security-Mr. Holt and every one else knowing that the securities of Fowler are absolutely discharged by these deceptive and delusive settlements. In the face of this official confession to the House of Representatives, Mr. Holt has no escape from impeachment if the House of Representatives does its duty. It will not do for him to plead personal ignorance of these things, be cause he denies the benefit of that plea to Mr. Tate, and has conclusively shown that such a plea is not available to a public officer, inasmuch as the law charges him with knowledge of that which it was his duty to know. Why has he regived \$8,000 a year out of the public treasury, but upon the contract that he would superintend with Aill, eare, and fidelity the business of the department ! The same legal liability applies to a Cabinet officer as to a tailor, a shoemaker, or a doctor. Ignorance is guilt in one who is bound to know and receives pay for knowing.

In Lord Melville's case, a similar plea was set up to excuse him in regard to his conduct respecting the public money, but no man in England regarded it as any defense. In a case like the present, the ignorance, if true in fact, was so gross as 1 - amount to the crassa negligentia abborred by the lew, and which is equivalent to actual fraud. Mr. I olt has himself declared bow official misconduct should be treated. He says that he was anxious that Fowler "should be pursued and punished with "unsparing vigor," He has dealt with an unnot spared the memory of Mr. Marron, who, he says, " surtained the very highest reputation in the ser-" vice to which he belonged;" and he declares that tenderness for the memory of the dead should not permit us to forget justice to the living. Justice should be done to him. His report has been held back too late for complete justice at this session, but every obligation of public duty demands that this New-York defalcation should receive the earliest and most solemn attention of the House of Representatives. The Postmaster-General should not be suff-red to divert attention from himself or to direct the storm of indignation and punishment upon his subordinates, by railing at them for the consequences of his own negligence. But every guilty one should be pursued, as he was anxious to pursue Fowler, with unsparing rigor. Committees of inquiry and votes of censure are well in their place. But here is a case for impeachment. Here is an occasion to prove whether there is anything like official responsibility in this Government. It may be said that if the House does impeach, the Democratic majority in the Senate will protect their associate Democrat from punishment. That may be true; Mr. Pitt labored and succeeded by means of Tory interest, in the House of Lords, in saving Lord Melville from conviction. But the condemnation of public opinion was achieved, and the ends of public justice in a great measure attained. So it will be here. The Republican majority of the House can show that they are sincere in condemnation of official profligacy, and that their complaints against the systematic plunder of the public treasury by Democratic offic holders are not feigned and false. Nothing short of an impeachment will stop that plunder. A warning and example is needed, and here stands Mr. Holt a culprit with his confession in his hands. The occasion should not be neglected of vindicating the truth and sincerity of Republican principles by dealing with him as he pretends to deal with flicial delinquency. He pursues with unsparing vigor-why should he be spared when the consequences of his incapacity and negligence have lost to the Government more money than was ever before lost by one detaleation? In office he has been insolent; let him stand at the Bar of Public Justice to answer for his official delinquency which he has meanly endeavored to shift off upon dead men and subordinates.

FROM WASHINGTON.

From Our Own Correspondent WASHINGTON, June 21, 1860.

So far as the regular business of Congress is concerned, the House is in condition to adjourn to morrow. At no former session within my shservation of twenty years, have the same dispatch, energy, and industry been practiced. The amount or public legislation matured and sent to the Senate is alteg-ther ususual, and the calendars bave been lightened of private claims in a satis actory and remarkable degree. If the Senate had manifested something of the same spirit, all the leading measures which pave been postponed until these expiring hours of the session might easily have been considered and brought to a deliberate vote. But until the last few weeks that chamber has been engrossed with political controversy and strife between the rival leaders of the Democracy, to which all larger interests were subordinated, and five months of valuable time were literally squau-dered. The Tariff, the Pacific Railroad, the ad-Edission of Kansas, retrenchment in the public ex-penditures, rivers and harbors, and like matters, have all been driven to the wall by the willful neglect, hestile position, or criminal indiffer-ence of the Democratic majority in that chamber. There is no escape from this responsibility, which the journals of the Senate will substantiate.

more emphatic indorsement could have been given to the Covode Committee than the vote of the House last night, in ordering 100,000 copies of the reports and testimony to be printed. The Printing Committee only reported in favor of 50,000, but Mr. Nelson of Tennessee moved to double it, and the Democratic side was compelled to swallow the pill, after making many wry faces. No doc ment has ever been published by Congress which will attract more general interest or be more universally

grouns over the publication of the Covode report, because the printing has not been grabbed by Bowman. It is ominously silent upon the voluminous documents issued by the Harper's Ferry and Printing Committees, and especially so on the Delafield report, which Mr. Fitch quietly put through yesterday, and which will cost, perhaps, \$75,000 When Bowman was Superintendent of Printing he succeeded in sneaking a resolution through Congress under the pretense of reform, but really designed for his personal benefit, if elected Printer to the Schate, as he subsequently was, requiring that the Printer to the House which first ordered a doc ument should print the numbers ordered by the was a smart dodge which has paid This well, for the Administration has sent all the documents over which it had control, to the Senate first, Now, when the House orders 300,000 copies of the agricultural part of the Patent Office Report. and provides that it shall be executed by its own printer, without any charge for composition, the senate makes a point against t e amendment on an Appropriation bill, even to the point of a disagreement in the Conference Committee. This fact exhibits the intense selfishness which rules h There are reasons for it below the surface which may yet be developed. Big jobs are not dispersed for nothing, as many contractors have probably discovered.

Numerous applications have been addressed to Mr. Covode from his Congressional District to recall his letter of withdrawal as a candidate, and one or more of the counties have recommended him for renomination in spite of it. He has no desire to return here, but if the sentiment be general in favor of it, he would perhaps yield to the wishes of a constituency whom he has long and faithfully represented. Five years of service have secured him an influential position in the House, and there are many respects in which it would be difficult to fill so efficiently. No man has been more self-sacrificing, disinterested, or zealous for the cause, and his recent labors entitle him to the best recognition. When he expressed the intention of retiring it was done in good faith, and nothing will induce him to reconsider that purpose but the assurance that his services are needed, and that he in no way interferes with the aspirations of others who have deserved well of their party. On the Republican side in Congress there is but one opinio this subject, and that is an earnest desire that he should continue in the public councils. One of the great elements of strength with the

South in Congress, which has given moral force to a numerical minority, sufficient to direct legislation and to control the majority for years, is the influcase exercised by its prominent men, from long connection with public affairs. The mere knowl-edge of parliamentary rules and tactics obtained in this way, to say nothing of the more important matters, is a power in itself, which is often felt in the to which the House is constantly expessed. The South has the wisdom to keep her able men here, woen she gets them, and even extends this practice to others without special merit, but who obtain a certain usefulness by mere experience. The North, on the other hand, has practiced the rule of rotation, to her detriment. Abstractly conbtain a certain usefulness sidered, this rule may be proper enough, and there are many cases in which it might be applied rigidly, and with good effect, to get rid of bad or discredit able incumbrances in Congress. As a general principle, it has operated injuriously to that section, and emasculated its power. The highest and best men require a course of parliamentary training, to

It is a delusion to suppose that a speech or two, however successful or brilliant, will make the reputation of a wise and directing legislator. Something more is necessary; and although Washington has a bad name abroad, there is no place where real merit finds its level more quickly, or is sooner ac-knowledged. When the Free States determine to send trustworthy representatives to Congress, and to sustain them by renewed manifestations of confience, they will have made an important advance n the right direction. Just now, several of them are on the eve of making nominations, and the suggestion is worthy of attention. Vermont will perhaps be among the first to hold Conventions for this purpose. Her delegation here consists of Messis. Mortill, Royce, and Walton, men of whom any State might well be proud, and who are esteemed by all parties in the House as among the very best and safest legislators. Mr. Morrill has declined a renomination, but that is just the reason why he should be sent back. His name is identified with several of the leading measures of this Congress and the last, and his leading position is recognized everywhere. His two cellengues stand much n the same estimation. They may be succeeded by unexceptional men, but Vermont cannot replace the influence of the present delegation by any new names. When she sent Highland Hall here for ten or more years, it was because he had the ability to represent her creditably, and had acquired a place

develop their capacity and to establish their posi-

command. That example is worthy of imitation by her and by the North generally, whenever such representatives can be found, as Vermont now has Congress.
Brady, the distinguished photographist, who has heretofore achieved such distinction in his profes-sion, has just completed a work of art, now on exhibition in the Speaker's room at the Capitol, which surpasses all his former efforts, and has never which surpasses all his former entries, and has hevel-been attempted before. Two hundred and thirty-eight members are collected in a frame of six feet by five, and every one of the likenesses is not only striking, but life-like. This work has involved the labor of most of two years, large expense, and the personal attention and care of Mr. Brady. He has educed the picture into a miniature size, so as to e within the reach of all who desire to be gratified with the presence of the "congregated wis-dem." This is a triumph of skill, eminently creditable to American art.

public confidence, which talent only could not

LAW INTELLIGENCE.

GEN. WASHINGTON'S LETTERS TO COL. LEAR—INTERESTING CASE—OFINION OF REFEREE.
Wilson Eyre and Louisa Lincola Eyre his wife agt Edward Y.
Highee and Fannie L. his wife.
This action was brought to compel the surrender by
the defendants to the plaintiffs of certain manuscripts, all of
which were written between the years 1790 and 172s by Gen.
Leerge Washington, first President of the United States, and
sent of delivered by him to Col. Tobias Lear, who was for many
years his private and nalitary secretary, a member of his household, on intimate terms with him and who superintended, to
some extent, the General's private sidiars
The facts, about which there was no dispute in the reference,
were these:

hese: Lear died at Washing on City, in the year 1816, intestate. Cel Lear died at Washing on City, in the year 1816, intestate. He had been married tree times Benjamin Lateoin Lear, twee of his second marringe, was born in 1751, and was, at the Colonel's decease, his sole he ir at law, and next of kin.

From the totonel's decease until benjamin's death (in October, 1132), Benjamin and Mrs. Colonel Lear resided tegether at Washington in a house, the title of which was in her, and daring such period they have equally the expenses of the establishment.

Eenjamin made a will, dared June 27, 1832 (a copy of which is annexed to the complaint), by which he gave to his wife all the residue of his property, after certain specific devises and bennexed to the complaint), by which he gave to his wife all the esidue of his property, after certain specific devises and be-nests. His widow in 1831 gave birth to a female child, the sole suc of her marriage with Benjamin, and her only heir at law do next of his. That child was Louisa, one of the plaintiffs, he married Wilson Eyre, the other plaintiff, on the 30th day of

ington.

Mr Smith acted as such Executor, and was also Administrator de la ma son of the estate of Benjamun L. Lear.

The papers in controversy passed, on the death of Colonel Leur, into the possession of his widow, and there continued until Mrs. Higher, one of the defendants, took them into her custody, under alleged circumstances detailed in the answer, at foiles 22 to 30. Mrs. Higher there states that during the last illness of Mrs. Colonel Lear, and while the latter was mentally until to dispose of any property, she (Mrs. Higher), with the consent of Mrs. Lear's sister, and of Mrs. Bayard Smith before mentioned, took the papers, in order to carry out a wish expressed by Mrs. Lear, when in sound mental condition, that Mrs. Higher should consult with the widow of teneral James Mason of Virginia, and other friends, as to presenting the papers, on Mrs. Lear's decrease, to the State of Virginia. The complaint and answer directly conflict on the question as to how Mrs. Higher obtained the papers, at a witness was examined under a commission to support the statements made by the plaintiff; but I do not deem it necessary to pass upon the issue of fact thus presented, because, in my view, Mrs. Higher has shown no legal right to hold the papers a against the representatives of Golonel Lear, if he had such a title to them as would pass to his legal representatives. On the other band, if no such fittle appears, and nay continue her possession of the papers, however she may have originally procured them.

Mrs. Congre Washington was the aunt of Mrs. Colonel Lear, and of the latter Mrs. Higher was niece.

No letter of administration of the estate of Colonel Lear, and of the latters in right of his wife.

On the 28th of April, 1857, eye, by an instrument in writing, assigned the papers, which form the subject of this action to John Hayes, a nanging clerk in the other of the plaintiffs. There was no actual consideration to, either of these transfers. On the 29th of April, 1857, this action to either of these transfers. On t gton. Mr Smith acted as such Executor, and was also Administration

tion to either of these transfers. On the 29th of April, 1857, this aution was commenced.

Wilson Eyre did not, as administrator of Colonel Lear's estate, the an inventory, or have suprassers sponiated, and no orner was ever made for the sale of that estate, or any part of it.

The defendants having given in evidence are assignment by Louisa.

L. Berby (tertherly wife of Benjamin L. Lear) to Mrs. Eyre, one of the plaintiffs, made April 21, 1857, cooveying to Mrs. Derby any interest the former might have in the papers.

During the reference, the defendants' counsel, on the call of counsel for the plaintiffs, produced a volume allege du contain the papers are in controversy. The plaintiffs counsel there are the defendants objected to their being need as evidence. And stated that he did not produce them for that purpose. It was thereupon agreed by the respective counsel that the papers might be exhibited to the referee and regarded as subjects of property for the purposes of this action, so far as the naking of a case alreader would require, but that they should not be printed as part of such case.

The deposition of Keiserd Rush was read in healt of the de-

From the facts thus presented, I draw the conclusions here-

First: On the decease of Tobias Lear, whatever title or right he had to the papers in controversy passed to his legal represent-atives subject to whose claim his widow held them in posseasion.

Second: His widow could not bestow the papers on the State of Virginia or any other dones, for there is no evidence that she

em. Mrs. Highie had no greater right than Mrs. Colonel Third: Mrs. Highle had no greater right than Mrs. Colone Lear had, and cannot detain the papers as against the repre-sentative of Col Lear, or any one claiming under such repre-

tive.

nrih: The title or right of possession in the papers is in
Eyre under the transfer from Hayes, and from Mrs. Derby Hose Eye under the transfer from Mayes, and from Max. Derby.

Though Mr. Eyre conveyed to Hayes re-civing no consideration, and merely that the title to the papers might be vested in
Mrs. Eyre, and aithough it could be shown that this transaction
would not be valid as against persons entitled to share in the distribution of Col. Lear's estate, yet the tatle thus created is good

tribution of c. o. Leas seems as against the defendants a sagainst the defendants Fifth: As to the letters written to him by General Washington, Colonel Lear had, at least the right to read and preserve them. If they had value as literary property, this would not change the case in this respect, because it is the right, and possibly the day of one receiving such letters to hold and preserve

it is a subject to the call of the author when he desires to publish them. But whether they have or have not value as literary compositions, or as autographs of a distinguished man, the right of the receiver to keep them is valid and effectual against third persons having no title.

It is unnecessary to examine here the decisions made in Ensined and our own country, as to the jurisdiction in equity over letters written by one person to another. The question has usually arben between the writer and the receiver, and the resides would have generally been to prevent a publication. All the cases bearing on the subject were fully discussed by the late cases bearing on the subject were fully discussed by the late sudge. Duer, in an opinion characterized by the learning, research scun en and good taste, for which that Judge was pre-ninent. (See Woolsey and others agt. Judd; 11 Haward's Pr. Rep., etc.)

ep., 36.)
It a Court of Equity can in any case compel the delivery or an ain the publication of a letter at the suit of the writer, it is It a Court of Equity can in any case compel the delivery or resmain the publication of a letter at the suit of the writer, it is difficult, if not impossible, to presentic any definite rule by which to determine whether such letters as literary comparitions have value in a judicial sense. If the test were whether the writer intended them for publication, and had indicated that intent to the receiver, so that the latter became in effect a trustee to hold them for the writer, such a rule might be conveniently enforced.

But no such limitation is suggested in the cases, and although many of the letters written by Gen. Washington to Col. Lear relate to the most minute details of housekeeping, yet for that very reason they might be considered interesting and valuable, especially by that class of readers who reverently estimate the earlibhium of idiosyncracy made by illustrious persons in the commonest transactions of life.

But these letters are autographs of a great man, and if as such they have not what may be strictly called value as property, they can be disposed of ior valuable considerations like other articles addressing themselves pecuniary to the sentiments or fancey, at of this I think the Court can and should take judicial or prizance, as they would in reference to a rull of ancient papyins.

In a sense even more practical the jurisdiction invoked in this action may be enforced. The papeus tound among the effects of a deceased person should be derivered to his personal representative, that their haracter and value may be ascertained.

It is quite true, as contended by the defendan's counsel, that if the letters be property in the ordinary sonse, either as compositions or autograps, they should be investered and disposed of

ike any chatters of an interester but, granting this, the right of the plaintiffs in the present action is not changed, because they are only exking now the custody of the papers as against pa fles having no title to them, and how the shall be held or distrib-uted hereafter is a question with which these defendants have no concern.

concern.

Stath: The statute of limitation has ue application to the claim of the plaintiffs, because they susceed to the title of Col. Lear, and the statute did not begin to run until the granning of letters of administration upon the seater, April 15, 1857.

Seconda: Some of the papers in controversy are not mere letters, but documents which were the property of Col. Lear.

One dated Nov. 30, 1786, and headed "Instructions for Mr. Lear." contained directions by the Geograph. cers, but documents which were the property of Col. Lear.
One dated Nov. 20, 1726, and headed "Instructions for Mr.
Lear," contained directions by the General as principal to the
Colenel as his agent, about business which the latter was in that
capacity to transact
Another, date's in New-York on the 20th August, 1790, is a

contingent expenses of Government. The writing also approves and ratifies a stain payments theretofore made by Gol. Loss of the same fond.

A third, dated August 4, 1795 is an appointment of Col. Loss, by the General, as Proxy to attend a meeting of the Potomas Company, in which the General seld fifty five shares.

A fourth dated at Phil adelphie, March 25, 1793, is a settlement and approval by the General, of the accounts kept by Col. Lest, from the commencement of the United States, To Duc. II, 1792.

It is quite clear to me that these four papers are of soch a character, that the y confer on the legal representatives of Col. Loss, the right to their possession. And it is somewhat difficult as to any of the letters to say that they do not come within the same category since they all refer more or less to the daties and is goney of Col. Lear, as d are instructions by wolon he might justiff acts, questioned by the General oh in representatives.

Eighth: The plaintiffs are emitted to judgment that the reper referred to in the compliant in the delivered to such plaintiffs, and for the costs of this action.

In the conclusions thus stated I am supported by a decision at Special Term, made in this stien on a special demurrer, the complaint in overraling that de nurrer, Mr. Institue Davies held (13 Howard's Practice Reports 45). "That the receiver of a letter has a property in it," and "a strauger cannot say that the receiver has not property in the letters and may not do with them as he pleases."

I have not commented upon many propositions presented in the able and ingentious argument of the counsel for the defendants. There are extreme but supposeable consequences, which may result from regarding private let ers as properry, but in this action, and for its purposes I deen it sufficient that the papers is constructed, which may result from regarding private let ers as properry, but in this action, and for its purposes I deen it sufficient that the papers is contracted and no person other than the plaintiffs, or on

had at the commencement of this action a right to their possession

Although some passages in the deposition of Mr. Rush are not
strictly admissible, yet I have concluded to receive the entire
ceposition as evidence, and I hold that what Mrs. Colouel Lear
and or did, as stated by Mr. Rush, does not show that she owned
the papers in controvers, and although he and the lady both entertained a different idea, that opinion could not and cannot prevail against the representatives of Colonel Lear, for reasons
which I have already stated.

New-York, March 2, 1860.

New-York, March 2, 1860.

SUPREME COURT-CHARBERS-JUNE 22.-Before Junios

LEGNARD.

DIVOICE CASE.

Priscilla Brooks at. C. dvia M. Brooks.

This was an action for a divorce. The parties were married in Worcester, Mass., in May, 1850, and subsequently removed to this city. The plannist charged her hasband with living with a Mrs. Ryan in vio a lon of his marriage contract and the laws of the Stace. The case was referred and the reference reported in favor of granting a divorce to the #16s. The Judge confirmed the report, and ordered judgment o divorce accordingly. The plaintiff is to receive #25s per annum alimony.

Before Justice Honnar.

Drake et al. agt. Smith.—Motion granted on payment by defendant of costs of April Circuit (including costs of trial), and \$10 costs of motion.

Bodartha et al. agt. Gallacr et. al.—Plaintiffs may amend their complaint, as mentlened in the notice of motion, on payment of \$10 costs of motion, and giving security in same of \$200 for the payment of all costs of defendant flablin in the action. Matlery agt. Irvice et al. - Deferdant's motion to set eside default granted, and plaintiff's mation to stay proceedings in the action of fivine agt. Mallory denied, with leave to plaintiff (if leave be necessary) to move in said is smentioned action, for stay of proceedings. No costs of either motion to either

Jones agt. Underwood et al. - Motion to set aside Jones agt. Underwood et al.—Motion to set aside judgment and execution granted, but without costs. Coffin et al. agt. Nict olar et al.—Otder granted that the defendant Nicolas executes and acknowledge an assignment to the receiver under the proceedings supplementary to execution in this action, of all interests which said defendant had to or in the patent right in question, when said supplementary proceedings were commenced.

COURT OF OYER AND TERMINER-JONE 22. COURT OF OYER AND TERMINER-JUNE 22.

The extraordinary t-rm of this Court, ordered by the Governor on the application of the District Attorney, will commence next Monday. Judge Gould presiding. A Grand Jury has been summoned. The cases to be tried are: Christian Hamson for sion. Wildiam Danni glasm for manslaughter.

SUPERIOR COURT-TRIAL TERM-JUNE 22 -Before Justice

SUPERIOR COURT—THAL TREM—JUNE 22—Before Justice MONCHER.

HEAVY DAMAGES FOR ASSAULT AND BATTERY.
Lena Norwald agt. Levy Aarons.
This was a suit for assault and battery, details of which have been already published. This morring the Jury rendered a verdict for plaintiff, assessing her damages at \$2,000, Edmon Blankman and J. Kennedy Furiong for plantiff, litchard. But and the second term — Before Justice Woodneys.

Special Trem—Before Justice Woodneys.

Jean M. Davenport agt Dion Bourcleant.

It will be remembered that a few months ago the defendant published a card in the new spapers, stating that the plantiff, who was then playing "Life Deans" in Phuadelphia, was an inpostor, and was playing one of his plays. The plaintiff, thereupen, commenced a suit for libel. The defendant published was playing one of his plays. The plaintiff, thereupen, commenced a suit for libel. The defendant The plaintiff objected to tic snawer, as being too general, and that the card published by him was a pivileged publication. The plaintiff objected to tic snawer, as being too general, and made a notion to compel the defendant to answer more specifically. The Court this afternoon granted the motion, holding that the defendant must state what facts he relies upon to establish his title to the drama and insert what facts he claims under the privileged publication with \$10 court to abide the event.

COMMON PLEAS-SPECIAL THEN-JOHN 22. Before Judge White agt. Sanderson.—Motion for leave to issue ex-

James agt. Hammers.—Readjustment of costs ordered.
The People agt. Hildebrandt.—Motion granted. COURT OF GENERAL SESSIONS-JUNE 22-Before Re

COURT OF GENERAL SESSIONS—JUNE 22—Before Recorder BARNARD.

Thomas Newell, convicted in the early part of the term of forgery, was sent to the State Prison for five years.
Charles Polest Thompson, convicted of perjury, &c., was sent to the State Prison for three years.
Micheel Comford convicted of steading some grain from a vessel, was sent to the State Prison for three years.
Mary A. Barnes was sent to the Penitentiary six months, for commetting a perit larceny.

Matthew Colline, convicted, by confession, of an assault with intent to commit robbery, was sent to the State Prison for two years.

Bridget McDermot pleaded guilty of petit larceny, in stealing \$20 from Bridget Smith of No. 12? Cherry street, the money having been found in the defendant's stockings. The compision at alleges that she was taken into the above house became she was destitute. Recorder Barnard rewarded her ingratitude by sending her three years to the Penatentiary.

The Grand Jury and Affrak The Liquon Bealers' Societies.
The Grand Jury entered with the following presentation, which is wordery of perisal.

New-York, 22d June 1880.

which is worsely of perusal.

Naw-Your, 22d June 1880.

The Grand Jury would be blind in the circumstances attending most of the cases of crime they have considered, did they do trace their chain to the incirciminate sale and use of inductating liquous and to the prevaent spirit of lawlessness induced by classes and associations are easy of in the liquor traffic, of com-

trace their cash to the indiscriminate sale and use of inforicating fluores and to the provision spirit of lawlessness infanced by classes and associate a senger of in the fluor traffic, or conspiracy to obstruct the enforcement of the statue's respecting it. It is obvious that the effice of judicial Executive authorities to punish crime, and to secure public peace and order must prove abortive so long as the causes of crime and disorder are not only unchecked but are fortived and stimulated by an organization powerful in numbers and weath, actively employed in embarassing the administration of justice in all cases affecting the interests of their members.

It is a not ricus fact that thousands of dram-shops pursue their business, and have done it for years in definee of the laws of the State, declared to be constitutional by the Court of fast resort; and when every unificaned sale of either alcoholic or formented intoxicants is pronounced by the law, as expounded by the Court of Appeals a misdemeanor, the penalties locarred, whether criminal or chil, by this traffic, if imposed and collected, would pay the entire amount of tarse of the county, enormous as it is.

That they are not in pased or collected, and this traffic brought under legal courto, is due chiefly to the uncorrupalous medding, in political and judicial affairs, of the "Liquor Dealers' Association."

Thousands thus combined with an enery-tic Expondity Com-

in political and judicual affairs, of the "Liquor Doalers' Association."

Thousands thus combined with an energe tic Executive Committee, adroit and weal-paid counsel, and abundant resources for public edicials and public journels, leave but an indifferent chance for the protection of the rights and norals of a commanity too busy totical after public interests, and too may leave the commentary to the protection of the rights and norals of a commanity too busy totical after public interests, and too may leave the commentary to the consistent with either the dignity or safety of the city longer to endure the anamenal paralysis of law and justice, affecting the chief came of facation, paperfam and crime, and whether the statute intended to protect the community from illegal conspiracies of this sort, shouldnot be brought into requisition. It is previded in part iv, chap. I, title vi, see a of the Revised Sauttes:

"It wo or mane persons shall conspire to communitary set injurious to the public health, the public mornes or to trade or commerce; or for the preservation or obstruction of justice, or the true administration of the laws, they shall be guilty of a miade meaner." It seems that this law appaid to the matter here presented, and to like constitution for the matter here presented, and to like constitutions of government to its normal condition. It is further due to the public to direct attention to the demornization and lawlessess consequent upon the concumpt of an statutes for protecting a wealy day of rest and worship from an attention of the concumpt of an analysis of the statutes for protecting a wealy day of rest and worship from an attention of the concumpt of an analysis of the statutes for protecting a wealy day of rest and worship from an attention of the concumpt of an analysis of the statutes for protecting a wealy day of rest and worship from an attention of the concumpt of an analysis of the statutes for protecting a wealy day of rest and worship from an attention of the statutes for protecting It is further due to the public to direct attention to the demor-nization and lawlessness consequent upon the contempt of are statutes for protecting a wearly day of rest and worship from un-seemly, immoral, public exhibitions, by the proprietors of Band-day theretes and beer-ganders. Not only have they defied the law, but even the injunctions of the Courts have been set at mught, and a combines purpose has been avowed and acted on to override law and authority; and in spire of all, to percist in practices offensive to the vast angointy of our existents, foreign to our national usages and convictions, and destructive to public morals.

practices offensive to the vast angiosity of our catheous, foreign to our national usages and convictions, and destructive to public morals.

It would appear to be essential to the very being of our institutions that this state of things should be brought to an end. We have no shield but a government of law. If one class may take the law into their row hance, all classes may; and society resolves their into its original clonents.

At any cost and at all harneds, existing laws should be enforced. The men, or all classes of men, who choose to set them at defiance, declare them as less to be outlaws, and need to be thus dealt with without fear or tavor. HOMER FRANKLIN,

J. C. KENDALL Clerk

THE MILITARY MANSHAL DECLARED TO BRA NUMBER.

On the subject of militial laws, and the system of collecting, these of the unumform ed militia, the Grand Jury presented the following decisive decument:

The Grand Jury have had under consideration the conduct of the effice of the Military Marshai of this city. For although the Murshall to oppointed distinctly in each warrant test is saued, it nevertheless amounts to a permanent office, and has been head by the present incumbest seven or eight years.

Through this office a great amount of inconvenience and coed is imposed upon our clitices, which we believe our militialization in their names entered upon a live of each pis, so that they may be sported from further anneyance. But even this does not help them, for it analy, in on in most cases, the "notices" of the Court Marshai fines still pursue them, and even levies are made, upon property. In the District of Company F. Trenth Radiment, for example 47th exempts were fined by the Court Marshai. And besides, there are abuses on the part of deputies, which we presume are not authorized by their employers, which are practiced upon foreigners and other persons unacquainted with our laws. At its, there are abuses on the part of deputies, which we presume are not authorized by their employers, which are practiced upon foreigners and oth

Marshai And besides, there are not been supplyed, which we presume are not authorized by their employers, which are practiced upon foreigners and other persons unacquainted with our laws. As it is, there appears to be no corresponding revenue accruing to the State. To procure the collection of \$700, which was the amount received ast year as flace of the ununiformed militia, the public has paid at least \$2,500, owing to this wretched machinery of collection.

The Grand Jury presents this agency as a clear nuisance that should receive early attention from our Courts and Legislature.

HOMER FRANKLIN, Forenace.

H. KENDALL, Clerk.

The reading of the first paper created considerable flutter in Court, as there was a committee of liquer declars present, ac-